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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,131	05/25/2001	Michael Stapp	79269.917	4427

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MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC  
12010 SUNSET HILLS ROAD  
SUITE 900  
RESTON, VA 20190

EXAMINER

RUTTEN, JAMES D

ART UNIT PAPER NUMBER

2192

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

09/866,131

Examiner

J. Derek Rutten

Applicant(s)

STAPP ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 10 June 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.  
☐ B. New paragraph(s) should not be underlined.  
☐ C. Other \_\_\_\_\_.

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.  
☐ B. Other \_\_\_\_\_.

☒ 3. Amendments to the drawings: Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the header, labeled "Replacement Sheet." See 37 CFR 1.121(d).

☒ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.  
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).  
☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).  
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.  
☒ E. Other: Previously cancelled claims 1-34 (see amendment filed 8/6/04) are presented apparently in place of added claims 35-46. Previously canceled claims may be reinstated only by adding the claim as a "new" claim with a new claim number. Further, any canceled claims should be listed with the proper status identifier. See 37 CFR 1.121(c)(5).

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

### PRELIMINARY AMENDMENT AND NON-FINAL AMENDMENT:

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), and since the amendment appears to be a *bona fide* attempt to be a complete reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH, or thirty (30) days, whichever is longer, from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

### AFTER-FINAL AMENDMENT:

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action Before the Filing of an Appeal Brief (PTOL-303). The period for reply to a final rejection continues to run from the mailing date of the final Office action, and is not affected by the non-compliant status of the amendment.

If applicant wishes to resubmit the after-final amendment, the **ENTIRE** corrected after-final amendment must be resubmitted within the time period set forth in the final Office action.

  
TUAN DAM  
SUPERVISORY PATENT EXAMINER